

MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

- against -

MARIE LISOWSKI AS TRUSTEE FOR THE  
BENEFIT OF MATTHEW J. LISOWSKI AND  
JOETTA LISOWSKI,

Defendants.  
-----X

NOTICE OF MOTION

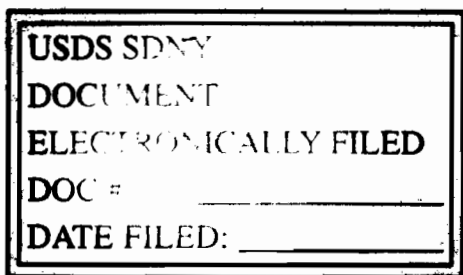
(ECF)

07 Civ 6619 (KMK) (LMS )

COPY

PLEASE TAKE NOTICE that upon the Certification of David R. Wise, Esq. dated April 9, 2008, and the exhibit attached hereto, and upon all prior proceedings herein, counsel for Defendant Marie Lisowski as Trustee for the Benefit of Matthew J. Lisowski will move this Court, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, for an Order discharging Gellert & Klein, P.C. as counsel for such party.

Dated: Poughkeepsie, New York  
April 9, 2008



GELLERT & KLEIN, P.C.

By:

A handwritten signature in cursive script, appearing to read "David R. Wise".

DAVID R. WISE (DW - 3016)

Attorneys for Defendant Marie Lisowski  
as Trustee for the Benefit of Matthew Lisowski  
75 Washington Street  
Poughkeepsie, New York 12601

TO: RIVKIN RADLER LLP  
**Attorneys for Plaintiff**  
926 Reckson Plaza  
Uniondale, New York 11556-0926  
Attn: Norman L. Tolle, Esq.

LIEBERMAN & LEBOVIT  
**Attorneys for Defendant Joetta Lisowski**  
Suite 210 Brookside Park  
345 Kear Street  
Yorktown Heights, New York 10598  
Attn: Mitchell P. Lieberman, Esq.

MARIE LISOWSKI AS TRUSTEE  
FOR THE BENEFIT OF  
MATTHEW LISOWSKI  
9 Slate Hill Drive  
Poughkeepsie, New York 12603

Motion Granted

SO ORDERED  
  
KENNETH M. KARAS U.S.D.J.  
4/18/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

- against -

MARIE LISOWSKI AS TRUSTEE FOR THE  
BENEFIT OF MATTHEW J. LISOWSKI AND  
JOETTA LISOWSKI,

Defendants.

-----X

**CERTIFICATION IN SUPPORT OF  
APPLICATION TO BE  
DISCHARGED AS COUNSEL**

(ECF)  
07 Civ 6619 (KMK) (LMS )

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF DUTCHESS    )

David R. Wise, certifies the following to be true under the penalties of perjury:

1. I am a member of the firm of Gellert & Klein, P.C. ("G&K"), attorneys of record for Defendant Marie Lisowski as Trustee for the Benefit of Matthew J. Lisowski. As such I am familiar with the facts and circumstances set forth herein.
2. I submit this Certification in support of G&K's application for an Order to be discharged of record as attorneys for Marie Lisowski.
3. In February 2008, the parties agreed upon a settlement of this matter. All counsel of record and Marie Lisowski agreed upon the terms of a proposed Settlement Agreement and Release ("Settlement Agreement") that was circulated among the parties. A Stipulation of dismissal was also circulated among all counsel. I forwarded the Settlement Agreement to Ms. Lisowski on February 21, 2008. At the time the Settlement Agreement was forwarded to Ms. Lisowski, as well as in three subsequent letters, I offered Ms. Lisowski the opportunity to raise any questions that she had concerning the document.
4. On April 8, 2008, and without ever having received any call, inquiry or the signed Settlement Agreement from Ms. Lisowski, I received a correspondence dated March 25, 2008, a copy of which is attached as Exhibit A.
5. The attached correspondence from Ms. Lisowski clearly expresses her desire to

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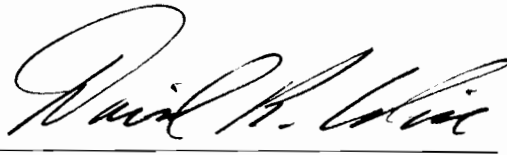
discharge G&K as her counsel in this matter.

6. I have no basis upon which to insist that my firm continue to represent Ms. Lisowski against her will.

7. Under the circumstances, it is respectfully requested that the Court issue an Order discharging G&K as counsel for Marie Lisowski as Trustee for the Benefit of Matthew J. Lisowski.

Dated: Poughkeepsie, New York  
April 9, 2008

Respectfully submitted,

By: 

DAVID R. WISE (DW - 3016)  
GELLERT & KLEIN, P.C.  
Attorneys for Marie Lisowski  
as Trustee for the Benefit of Matthew Lisowski  
75 Washington Street  
Poughkeepsie, New York 12601

TO: RIVKIN RADLER LLP  
**Attorneys for Plaintiff**  
926 Reckson Plaza  
Uniondale, New York 11556-0926  
Attn: Norman L. Tolle, Esq.

LIEBERMAN & LEOVIT  
**Attorneys for Defendant Joetta Lisowski**  
Suite 210 Brookside Park  
345 Kear Street  
Yorktown Heights, New York 10598  
Attn: Mitchell P. Lieberman, Esq.

MARIE LISOWSKI AS TRUSTEE FOR  
THE BENEFIT OF MATTHEW LISOWSKI  
9 Slate Hill Drive  
Poughkeepsie, New York 12603



March 25, 2008

Dear Mr. David Wise,

We cannot settle due to the extreme complexity of the document associated with it.

Your services, therefore, are not needed. We are discharging any further legal counsel by you and your firm, Gellert & Klein.

Full payment of your services is enclosed. Thank you.

Sincerely,

*M. D. Zisvish + son,*  
*Matt Zisvish*